

ERIE COUNTY LEGISLATURE
MEETING NO. 18
SEPTEMBER 22, 2016

The Legislature was called to order by Chair Mills.

All members present.

An Invocation was held, led by Mr. Loughran, who requested a moment of silence.

The Pledge of Allegiance was led by Mr. Burke.

Item 1 – No tabled items.

Item 2 – No items for reconsideration from previous meeting.

Item 3 – MR. LORIGO moved for the approval of the minutes for Meeting Number 17 from 2016. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 4 – No public hearings.

MISCELLANEOUS RESOLUTIONS

Item 5 – MR. HARDWICK presented a resolution Congratulating Benjamin Starr, Boy Scout Troop 510, on Attaining the Rank of Eagle Scout.

Item 6 – MR. LORIGO presented a resolution Honoring The Western New York Land Conservancy on their 25th Anniversary.

Item 7 – MS. MILLER-WILLIAMS presented a resolution Celebrating Apostle Robert L. Saunders Sr on his 75th Birthday.

Item 8 – MS. MILLER-WILLIAMS presented a resolution Honoring Bishop Glenwood H. Young on Serving 20 Years as Presiding Prelate of Church of God in Christ.

Item 9 – MS. MILLER-WILLIAMS presented a resolution Honoring Teaching and Restoring Youth Inc on the Occasion of their 10th Annual Founders' Award Dinner.

Item 10 – MS. MILLER-WILLIAMS presented a resolution Honoring Dr. Catherine Collins' Women's Health Radio Show on Hosting its "6th Annual Victorian Tea" and Welcoming Erie County Native Dr. Lisa Nicholas as Keynote Speaker for the Event.

Item 11 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Recognize and Celebrate "National Opera

Week" from Oct. 28 to Nov. 6, 2016 and "Opera Day" on Oct. 29, 2016 in Erie County and to Acknowledge the Important Cultural Contributions of the Erwin H. Johnson Memorial Fund to the Enrichment of our County and Community.

Item 12 – MR. MILLS, MR. LORIGO, MR. LOUGHRAN, MS. DIXON, MR. HARDWICK, MR. MORTON, MR. RATH, MR. BURKE, MS. GRANT, MS. MILLER-WILLIAMS & MR. SAVAGE presented a resolution Recognizing Sept. 18-24, 2016 as "Sheriff's Week" in Erie County.

Item 13 – MR. MILLS presented a resolution Honoring Love INC for its Commitment to the Community.

Item 14 – MR. MILLS presented a resolution Honoring the Boston Emergency Squad on its 50th Anniversary and Continued Commitment to Saving and Protecting Lives in the Community.

MR. LORIGO moved for consideration of the above ten items. MR. RATH seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved to amend the above ten items by adding two miscellaneous resolutions for MR. MORTON, and to include Et Al sponsorship. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

MR. LORIGO moved for approval of the above twelve items as amended. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

LOCAL LAWS

Item 15 – CHAIR MILLS directed that Local Law No. 3 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

Item 16 – CHAIR MILLS directed that Local Law No. 4 (Print #2) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 17 – CHAIR MILLS directed that Local Law No. 5 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 18 – CHAIR MILLS directed that Local Law No. 6 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 19 – CHAIR MILLS directed that Local Law No. 7 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 20 – CHAIR MILLS directed that Local Law No. 8 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 21 – CHAIR MILLS directed that Local Law No. 10 (Print #1) 2016 remain on the table and in the GOVERNMENT AFFAIRS COMMITTEE.

GRANTED.

Item 22 – CHAIR MILLS directed that Local Law No. 13 (Print #1) 2016 remain on the table and in the HEALTH & HUMAN SERVICES COMMITTEE.

GRANTED.

Item 23 – CHAIR MILLS directed that Local Law No. 14 (Print #1) 2016 remain on the table and in the ENERGY & ENVIRONMENT COMMITTEE.

GRANTED.

Item 24 – CHAIR MILLS directed that Local Law No. 15 (Print #1) 2016 remain on the table and in the FINANCE & MANAGEMENT COMMITTEE.

GRANTED.

COMMITTEE REPORTS

Item 25 – MS. DIXON presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 222

September 15, 2016	HEALTH & HUMAN SERVICES COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 14E-16 (2016)
COUNTY EXECUTIVE: “Initiatives for a Stronger Community - 2016 Q1 & Q2 Biannual Reports”
(6-0)
 - b. COMM. 17E-25 (2016)
MILLS: “Letter to Commissioner of Senior Services Regarding Appointment and Request to Attend Health & Human Services Committee Meeting”
(6-0)
2. COMM. 17E-38 (2016)
COUNTY EXECUTIVE
WHEREAS, the NYS Office of Children and Family Services Bureau of Youth Development have approved an additional \$49,793 in Runaway and Homeless Youth funds for Homeless and Runaway Youth and Transitional Independent Living Programs in Erie County, and

WHEREAS, the Youth Services Division wishes to contract with the Chef Bobby F-Bites Program to provide culinary arts instruction, mentorship and character development workshops to the residents of the Detention Facility.

NOW, THEREFORE BE IT

RESOLVED, that the County Executive is hereby authorized to enter into and or amend existing contracts in order to provide additional youth programs and services through the NYS Office of Children and Family Services Bureau of Youth Development funding; and be it further

RESOLVED, that the Division of Budget and Management is hereby authorized to adjust the 2015 Budget of the Youth Bureau as follows:

<u>Fund Center 12530 – Youth Bureau</u>		
Revenue		Increase
408060	Homeless Reimbursement	\$49,793
Expense		
517653	Homeless Reimbursement	
	Plymouth Crossroads	\$49,793
	Net Change	-0-

and be it further;

RESOLVED, that the County Executive is hereby authorized to enter into contract with the Chef Bobby Anderson F-Bites Culinary Arts and Mentorship Program to the residents of the Detention Facility in the amount of \$5,000, funding being available in account 516020, professional services and contracts, of the Youth Services Division, and be it further

RESOLVED, that certified copies of this resolution be transmitted to the County Executive, the Division of Budget and Management, the Office of the Comptroller, the Department of Social Services, and the Division of Youth Services.
(6-0)

LYNNE M. DIXON
CHAIR

Item 26 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 223

September 15, 2016	COMMUNITY ENRICHMENT COMMITTEE REPORT NO. 6
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 13E-6 (2016)
COUNTY EXECUTIVE: “Letter Regarding ECC STEM Building Award of Bid”
(6-0)
 - b. COMM. 13D-9 (2016)
COUNTY ATTORNEY: “Letter Regarding ECC STEM Building Award of Bid”
(6-0)
 - c. COMM. 13M-9 (2016)
ZDARSKY, SAWICKI & AGOSTINELLI LLP: “Follow-Up Letter Regarding ECC STEM Building Award of Bid”
(6-0)
2. COMM. 17E-35 (2016)
COUNTY EXECUTIVE

WHEREAS, the Erie Community College Board of Trustees approved Create-Learning Team Building & Leadership as a vendor after the completion of the RFP process at their June 30, 2016 Board Meeting; and

WHEREAS, Create-Learning Team Building & Leadership was the firm approved for a maximum contract not to exceed \$60,000; and

WHEREAS, the Erie County Legislature must approve contracts in excess of \$50,000 for the College; and

WHEREAS, Create-Learning Team Building & Leadership will begin work on the development of a leadership training program to promote ECC's efforts to increase the persistence, retention, and graduation rates of ECC students.

WHEREAS, Create-Learning Team Building & Leadership was chosen as the provider for a leadership development program. The program will service approximately 120 students for both the fall 2017 and 2018 academic years. The program includes interactive workshops, team building activities, leadership coaching and development, fieldtrips to learn and understand what local employers are seeking, and to facilitate a connection to ECC alumni that will deliver mentorship opportunities. The program will be open to both new and enrolled ECC students. Participation in the Lead to Succeed program will help further ECC's mission by offering course content in areas that are in high demand by employers; leading, managing, being part of teams, engagement with the region and the college community; soft skill development, and application of various leadership models.

WHEREAS, the program was awarded monies through the student activity fees Allocation Committee in 2015. The committee was comprised of two faculty members, five students, and two administrators. An additional endorsement was provided by the Student Government Association. The account receives an annual percentage contribution of .60% which equates to \$8,232 of additional funding per year. The cost of the facilitator is \$30,000 per year/\$60,000 for two years. Supplemental monies in the leadership account will fund start-up costs of the program such as supplies, travel for fieldtrips, and conferences.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves awarding a contract to Create Learning Team Building & Leadership, Inc. for the purpose of developing a comprehensive leadership program for Erie Community College students at a cost to the college not to exceed \$60,000; and be it further

RESOLVED, the President is authorized to enter a contract with Create-Learning Team Building & Leadership for the above mentioned services, and be it further

RESOLVED, that copies of the resolution be forwarded to the Erie County Executive, the President of ECC, and the Chairman of the ECC Board of Trustees.

(6-0)

KEVIN R. HARDWICK
CHAIR

Item 27 – MR. HARDWICK presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 224

September 15, 2016	GOVERNMENT AFFAIRS COMMITTEE REPORT NO. 11
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ALL MEMBERS PRESENT.

CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 17D-7 (2016)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
 - b. COMM. 17D-8 (2016)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
 - c. COMM. 17D-9 (2016)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
 - d. COMM. 17D-10 (2016)
COUNTY ATTORNEY: "Transmittal of New Claims Against Erie County"
(6-0)
 - e. COMM. 17M-8 (2016)
NFTA: "Letter Regarding Status of NFTA Negotiations with Several Inter-City Bus Carriers"
(6-0)

2. COMM. 17E-24 (2016)
COUNTY EXECUTIVE

RESOLVED, the Erie County Legislature hereby confirms the appointment the following individuals, as recommended by the County Executive, to the Erie County Commission on the Status of Women for the terms stated:

Beth Holleran (Re-appointment)
80 Enola Ave, Kenmore, NY 14217
Term expires June 2019

Hope Hoetzer-Cook (Re-appointment)
225 Highland Ave, Buffalo, NY 14222
Term expires June 2019

Whitney Crispell (Re-appointment)
201 Richmond Ave, Buffalo, NY 14222
Term expires June 2019

Melanie Beardsley (Re-appointment)
40 Avian Way, Lancaster, NY 14086
Term expires June 2019

Gail Riley (Re-appointment)

Eleanor Faye Martinear (Appointment)

299 Green Acres Rd, Tonawanda, NY 14150
Term expires September 2019

82 Candlewood Ln, Williamsville NY 14221
Term expires September 2019

Diana Cihak (Appointment)
28 Elmview Pl, Buffalo, NY 14207
Term expires September 2019
(6-0)

Melodie K. Baker (Appointment)
60 Wiltshire Rd, Williamsville, NY 14221
Term expires September 2019

KEVIN R. HARDWICK
CHAIR

Item 28 – MR. LORIGO presented the following report and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 225

September 15, 2016	FINANCE & MANAGEMENT COMMITTEE REPORT NO. 13
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
 - a. COMM. 3E-17 (2016)
COUNTY EXECUTIVE: “Assistant County Attorney Position Assigned to Erie Community College”
(6-0)
 - b. COMM. 10M-5 (2016)
BRIAN & TAMMY SHELDON: “Letter to Chair Mills Regarding Complaint Against Buffalo Urban League”
(6-0)
 - c. COMM. 13E-25 (2016)
COMPTROLLER: “Report for Apportionment and Distribution of Net Collections from the 4.75% Sales and Compensating Use Tax for Mar., Apr. and May 2016”
(Chair’s Motion)
 - d. COMM. 14E-15 (2016)
COUNTY EXECUTIVE: “Department of Social Services - Lease for Property 10-12 Fountain Plaza”
(6-0)
 - e. COMM. 17E-19 (2016)
COMPTROLLER: “Update on Sales Tax Revenue and ECMCC-IGT Payment Reminder”

(Chair's Motion)

f. COMM. 17E-20 (2016)
COMPTROLLER: "C Sales Tax Remains Down Year to Date and ECMCC-IGT Payment Expected to Increase"

(Chair's Motion)

g. COMM. 17E-21 (2016)
COMPTROLLER: "Interim Financial Report for Six-Month Period Ended June 30, 2016"

(Chair's Motion)

h. COMM. 17E-22 (2016)
COMPTROLLER: "Erie County 2015 Comprehensive Annual Financial Report"

(Chair's Motion)

i. COMM. 17E-23 (2016)
COMPTROLLER: "Supplement to the EC 2015 Comprehensive Annual Financial Report"

(Chair's Motion)

j. COMM. 17D-6 (2016)
DEPARTMENT OF BUDGET & MANAGEMENT: "Budget Monitoring Report for Period Ending June 2016"

(Chair's Motion)

2. COMM. 1D-9 (2015)
COUNTY EXECUTIVE AS AMENDED

WHEREAS, the Erie County Director of Real Property Tax Services has received applications for corrected tax billings and / or refunds for taxes previously paid in accordance with New York State Real Property Tax Law sections 554 and 556; and

WHEREAS, the Director has investigated the validity of such applications (see attached listing).

NOW, THEREFORE, BE IT

RESOLVED, that petitions numbered 216121 through 216127, inclusive be hereby approved or denied based upon the recommendation of the Director of Real Property Tax Services and be charged back to the applicable towns and/or cities.

FISCAL YEAR	2015	Petition No.	216,121.00
	ASSESSOR	Refund	\$487.00
S-B-L	92.19-2-19	136 Banko Dr	143089 CHEEKTOWAGA
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$487.00 Town/SpecialDist/School
<u>Charge To :</u>		143089 CHEEKTOWAGA	\$487.00

RPTL550(2): Duplicate entry
Delete entire parcel from the tax roll

FISCAL YEAR	2016	Petition No.	216,125.00
	ASSESSOR	Cancel	\$2,259.20
S-B-L	171.12-2-8	4633 Parker Rd	144889 HAMBURG
	Acct. No. 112		\$759.54 County
	Acct. No. 132		\$1,499.66 Town/SpecialDist/School
48022	ARMOR FIRE PROTECT		\$185.82
48115	ERIE CO SEW DST 3		\$341.54
48116	ECSD 3 CH2		\$95.55
<u>Charge To :</u>	144889 HAMBURG		\$876.75

RPTL550(2): Duplicate entry
Delete entire parcel from the roll

FISCAL YEAR	2016	Petition No.	216,126.00
	ASSESSOR	Cancel	\$0.00
S-B-L	Multiple	Multiple	146600 WALES
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	146600 WALES		\$0.00

RPTL550(2): Failed to apply veterans exemption
New tax bill to be issued

FISCAL YEAR	2016	Petition No.	216,127.00
	ASSESSOR	Cancel	\$964.10
S-B-L	73.00-2-14.2	11495 Stage Rd	145689 NEWSTEAD
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$964.10 Town/SpecialDist/School
<u>Charge To :</u>	145689 NEWSTEAD		\$964.10
	Relevy School		\$964.10 143201 CLARENCE

CENTRAL

RPTL550(2): Failed to apply senior exemption
New tax bill to be issued

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

3. COMM. 1D-9 (2015)

COUNTY EXECUTIVE AS AMENDED

WHEREAS Level 3 Communications, (“Level 3”) have submitted applications for Refund and Credit on form RP-556 pursuant to Real Property Tax Law Section 556 (“Applications”) for various tax years and affecting multiple taxing jurisdictions, and

WHEREAS, Level 3 commenced actions for declaratory judgment and proceedings pursuant to Article 78 of the Civil Practice Law and Rules in the Supreme Court of the State of New York (“Level 3 litigation”) seeking, among other things, a ruling that fiber optic cable is not taxable as real property and/or to compel the appropriate tax levying bodies to determine and approve the Applications, and

WHEREAS, the Erie County Real Property Tax Director (Director) has investigated the validity of such Applications, and

WHEREAS the Director has transmitted a written report of such investigation and his recommendations for action thereon, and

WHEREAS the Director has determined that the Applications are without merit and recommends that the Applications be denied for multiple reasons, and

WHEREAS the Director recommends that the Applications be denied for the following specific reasons:

1. The fiber optic cable constitutes taxable real property under multiple sections of Section 102 of the Real Property Tax Law as follows:

- A. Fiber optic cable has been interpreted and taxed as real property for more than thirty years and should continue to be taxed as real property;
- B. The fiber optic cable meets the definition of real property pursuant to Real Property Tax Law Section 102(12)(i) and is taxable under that Section;
- C. The fiber optic cable constitutes property for the distribution of light and is taxable real property pursuant to Real Property Tax Law 102(12)(f);
- D. The fiber optic cables constitute fixtures and are taxable real property pursuant to Section 102(12)(b) of the Real Property Tax Law;
- E. The Real Property Tax Law does not provide any tax exemption for fiber optic cable;

- F. Real Property Tax Law Section 102 does not contain any express or implied exclusion for fiber optic cable from the definition of taxable real property;
- G. The legislative history of Real Property Tax Law Section 102 does not support Level 3's position that fiber optic cable does not constitute taxable real property and is not subject to real property taxation;
- H. The research articles submitted by Level 3 in connection its litigation have no foundation, are not authoritative, were written many years after the New York State Legislature enacted the language contained in Real Property Tax Law Section 102 and there is no evidence the New York State Legislature considered those articles when the Legislation was enacted; and
- I. The RCN case, which Level 3 references in its Applications, is factually and legally distinguishable from the circumstances involving Level 3's property located in Erie County. The RCN case involved property in New York City in a building, and not underground cables connected to taxable fiber optic cable in the right of way, as is the situation in Erie County. In addition, the RCN case is in a different department and is not binding on the Courts in the Appellate Division, Fourth Judicial Department, to which the Level 3 litigation in Erie County is pending.
 2. The legislative history of Real Property Tax Law Section 102 supports a finding that outside plant be taxed as real property.
 3. The Applications contain only conclusory allegations with respect to fiber optic cables and fail to contain detailed and sufficient evidence with respect to the identity, location, composition and usage of Level 3's property and lines. The Applications fail to contain any information from any engineer, expert, person or employee with personal knowledge with respect to the cable lines in question.
 4. The Applications are procedurally improper. The Applications fail to establish a clerical error, unlawful entry or an error in essential fact as those terms are defined by Section 550 of the Real Property Tax Law. Numerous Town tax assessors have also analyzed Level 3's claims and confirmed the Director's analysis that Level 3's allegations do not constitute an "unlawful entry" as that term is defined in Real Property Tax Law Section 550(7). There was no entry of assessed valuation on an assessment roll or tax roll made by an unauthorized person or body.
 5. Level 3's proper remedy is to bring a *tax certiorari* proceeding under Article 7 of the Real Property Tax Law challenging the assessments prospectively. The Applications improperly seek retroactive tax refunds under inapplicable sections of the Real Property Tax Law.
 6. The RP 556 Applications are time barred and untimely on the basis that they were filed after the expiration of the tax warrants.
 7. The RP 556 Applications are also time-barred and untimely because they were not filed within three years from the annexation of the warrants for such taxes as required by Real Property Tax Law, Section 556(1)(a).

8. The Applications are untimely and barred by the four-month statute of limitations because they were filed more than four months after the assessment rolls became final and binding. *See Press v. County of Monroe*, 50 N.Y.2d 695 (1980).

9. Level 3 failed to pay the taxes under protest. The Voluntary Payment Doctrine bars Level 3 from recovery of taxes paid without protest. *See City of Rochester v. Chiarella*, 65 N.Y.2d 92, 98 (1985); *City of Rochester v. Chiarella*, 98 A.D.2d 8, 9, 12 (4th Dept., 1983) *aff'd* 63 N.Y.2d 857 (1984).

A) Level 3's argument that Real Property Tax Law Section 556 allows recovery without protest is without merit since Section 556 does not state or provide an affirmative right to recover taxes without protest. *Level 3 Communications, LLC v. Essex County*, 129 A.D.3d 1255 (3rd Dept., 2015); *Community Health Plan v. Burkard*, 3 A.D.3d 724, 725 (3rd Dept., 2004).

10. The Applications should be denied on public policy grounds because Level 3 voluntarily deferred its challenges to the public assessments for multiple years and exposed the municipalities and school districts to unnecessary retroactive disruption of their budgets. *Press v. County of Monroe*, 50 N.Y.2d 695 (1980); *Solnick v. Whalen*, 49 N.Y.2d 224 (1979), and

WHEREAS the Erie County Legislature has carefully considered and fully agrees with the investigation and recommendations of the Director, and

NOW, THEREFORE, BE IT

RESOLVED, that all of the Level 3 Applications for Refund and Credit submitted on form RP-556 pursuant to Real Property Tax Law Section 556 are hereby denied in their entirety for the reasons set forth above and based upon the recommendation of the Director of Real Property Tax Services

FISCAL YEAR	2016	Petition No.	216,128.00
	OWNER	Refund	\$0.00
S-B-L	666.00-65-9	9AA Outside Plant	140200 BUFFALO
	Acct. No. 112		\$0.00 County
	Acct. No. 132		\$0.00 Town/SpecialDist/School
<u>Charge To :</u>	140200 BUFFALO		\$0.00

RPTL550(2): Fiberoptic not taxable
Refund to be issued to Level 3 Communications, LLC.

FISCAL YEAR	2015	Petition No.	216,129.00
	ASSESSOR	Refund	\$0.00

S-B-L 555.00-75-1.1 Fiberoptics 144000 EDEN
Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$0.00

RPTL550(2): Fiberoptic not taxable
Refund to be issued to Level 3 Communications, LLC.

FISCAL YEAR 2015 Petition No. 216,130.00

OWNER Refund \$0.00
S-B-L 555.00-75-1.2 Fiberoptics 144000 EDEN
Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 144000 EDEN \$0.00

RPTL550(2): Fiberoptic not taxable
Refund to be issued to Level 3 Communications, LLC.

FISCAL YEAR 2015 Petition No. 216,131.00

OWNER Refund \$0.00
S-B-L Multiple Multiple 145801 NORTH COLLINS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 145801 NORTH COLLINS \$0.00

RPTL550(2): Fiberoptic not taxable
Refund to be issued to Level 3 Communications, LLC.

FISCAL YEAR 2015 Petition No. 216,132.00

OWNER Refund \$0.00
S-B-L Multiple Multiple 145889 NORTH COLLINS
Acct. No. 112 \$0.00 County
Acct. No. 132 \$0.00 Town/SpecialDist/School
Charge To : 145889 NORTH COLLINS \$0.00

RPTL550(2): Fiberoptic not taxable
Refund to be issued to Level 3 Communications, LLC.

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the Director of Real Property Tax Services.
(6-0)

JOSEPH C. LORIGO
CHAIR

Item 29 – MR. MORTON presented the following report and moved for immediate consideration and approval. MR. HARDWICK seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 226

September 15, 2016	ENERGY & ENVIRONMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 9E-16 (2016)
COUNTY EXECUTIVE: “Department of Parks - Proposed Metal Detecting Regulations”
(6-0)
2. COMM. 14E-10 (2016)
COUNTY EXECUTIVE
WHEREAS, pursuant to Legislative Comm. 11E-9 (2014) Contract 37 STP-B, HVAC was awarded to Quackenbush Company, Inc. for HVAC work for the Influent Pumping Station at the Southtowns Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 37 STP-B, HVAC in the final contract amount of \$408,363.00 which includes Change Order No. 1 (final), a decrease of \$39,637.00, and recommends approval for final payment.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 37 STP-A, HVAC between the County of Erie and Quackenbush Company, Inc. (495 Kennedy Drive, Buffalo, NY 14227) is accepted in the final contract amount of \$408,363.00 which includes Change Order No. 1 (final), a decrease of \$39,637.00, and is allocated in Erie County Sewer District No. 3 Bond Account C.00012; and be it further

RESOLVED, that the Erie County Comptroller be directed to make final payment for Contract 37 STP-D, HVAC to Quackenbush Company, Inc. for a total contract amount of \$408,363.00 and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management, and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

3. COMM. 17E-15 (2016)

COUNTY EXECUTIVE

WHEREAS, pursuant to Legislative Comm. 14E-13 (2014) Contract 19 was awarded to NFP & Sons, Inc. for the replacement of Clarence Research Park STP lab/blower building in Erie County Sewer District No. 5; and

WHEREAS, the Erie County Division of Sewerage Management has advised that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 19, in the final contract amount of \$453,300.00.

NOW, THEREFORE BE IT

RESOLVED, that Contract No. 19 between the County of Erie and NFP & Sons, Inc. is accepted in the final contract amount of \$453,300.00 which was allocated from the Erie County Sewer District No. 5 Capital Account C.14501; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each to the County Executive, the Erie County Comptroller, the Director of Budget and Management and Kristen Walder, Assistant County Attorney; and two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

4. COMM. 17E-16 (2016)

COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning (DEP) has played a crucial role in pollution, the Erie County Medical Care Waste Pharmaceutical Disposal Program continues to serve as an advocate for the proper collection and disposal of unwanted medications; and

WHEREAS, Citizens Campaign Fund for the Environment (CCFE) awarded grant funds to support the Erie County Medical Care Waste Pharmaceutical Disposal Program; and

WHEREAS, Erie County has received an of award from CCFE for \$99,222 in grant funding for the Erie County Medical Care Waste Pharmaceutical Disposal Program; and

WHEREAS, the Erie County Legislature authorized the County Executive to enter into an agreement with the CCFE to provide other local source revenue to the DEP SAP grant 162ECMCWPDP1516 per Comm.10E-22 (2015), 5/28/15; and

WHEREAS, a budget revision is necessary for efficient and effective use of available grant funds; and

WHEREAS, the proposed budget revision has been accepted by the funding agency.

NOW, THEREFORE, BE IT

RESOLVED, that Director of the Division of Budget and Management is hereby authorized to implement any budget adjustments as required to comply with State and local funding requirements; and be it further

RESOLVED, that the Division of Budget and Management implement the following budget revisions to fund 281:

Department of Environment and Planning
Erie County Medical Care Waste Pharmaceutical Disposal Program
Grant 162 ECMCWPDP1516

REVENUE

Account	Current Budget	Revision	Revised Budget
420499 Other Local Source Revenue	<u>(\$99,222)</u>		<u>(\$99,222)</u>
TOTAL REVENUE	(\$99,222)		(\$99,222)

APPROPRIATIONS

Account	Current Budget	Revision	Revised Budget
500000 Full Time Salary	\$48,252	\$12,783	\$61,035
502000 Fringe Benefits	\$28,470	\$ 5,475	\$33,945
505800 Med/Health Supplies	\$15,000	(\$10,758)	\$ 4,242
510000 Local Mileage Reimbursement	\$ 1,500	(\$ 1,500)	\$ 0
516020 Prof Services Contract & Fees	<u>\$ 6,000</u>	<u>(\$ 6,000)</u>	<u>\$ 0</u>
TOTAL APPROPRIATIONS	\$99,222	\$ 0	\$99,222

and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the County Attorney; the County Comptroller; the Commissioner of the Department of Environment and Planning; and the Deputy Commissioner of the Division of Environmental Compliance.
(6-0)

5. COMM. 17E-18 (2016)

COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District No.5, Eastern Hills Pump Station Improvements, Contract No. 22 at 2:00pm on September 7, 2016;

Contract	Low Bidder	Amount
Contract No. 47	Yarussi Construction, Inc. 5650 Simmons Ave Niagara Falls, NY 14304	\$92,400.00

WHEREAS, the aforementioned lowest bidder has successfully performed similar work in Erie County; and

WHEREAS, the Division of Sewerage Management has determined that this proposed project is a Type II action in accordance with 6 NYCRR Section 617.5(c) and therefore is not subject to State Environmental Quality Review Act review under the New York State Environmental Conservation Law.

NOW, THEREFORE BE IT

RESOLVED, the Eastern Hills Pump Station Improvements, Contract No. 22 be awarded to Yarussi Construction, Inc. in the not to exceed amount of \$92,400.00; and be it further

RESOLVED, that the County Executive be, and is hereby authorized to execute the Contract with the aforementioned lowest, responsible bidder subject to approval to content by the Commissioner of the Department of Environment and Planning and as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller is authorized and directed to allocate \$92,400.00 from Sewer Capital, Erie County Sewer District No.5 Account C.00035 for Contract No. 22; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized to increase estimated revenue and appropriations in Erie County Sewer District No.5 Capital Reserve Account C.00007 to Sewer District No.5 Capital Account C.00035 and establish budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Director of Budget and Management and the County Comptroller are authorized and directed to transfer \$100,000.00 from Erie County Sewer District No. 5 Capital Reserve Account C.00007 to Sewer District No.5 Capital Account C.00035 and establish the budgets necessary to facilitate the transfer; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy each of this resolution to the County Executive, Director of Budget and Management, the County Comptroller, and Kristen Walder, Assistant County Attorney; and send two (2) certified copies of this resolution to Joseph L. Fiegl, P.E., Department of Environment and Planning.
(6-0)

TED B. MORTON
CHAIR

Item 30 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 227

September 15, 2016	ECONOMIC DEVELOPMENT COMMITTEE REPORT NO. 14
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ALL MEMBERS PRESENT.
CHAIR MILLS PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following item is hereby received and filed:
 - a. COMM. 14E-14 (2016)
COUNTY EXECUTIVE: “Initiatives for a Smart Economy - 2016 Biannual Report”
(6-0)

2. COMM. 14E-11 (2016)
COUNTY EXECUTIVE
WHEREAS, the Bridge Steel Deck Repairs (6 bridges) PIN 5761.33, (the “Project”) is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 15% Marchiselli and requires a 5% local share and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$1,190,000 of which \$59,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, enter into a construction phase engineering services agreement with CHA Consultants, and establish a construction contingency all in an amount not to exceed the maximum project allowance of \$1,190,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.14011, 2014 Bridge Preservation Programs, fund center 123, fund 420, be adjusted for the actual anticipated Federal and NYS Marchiselli revenue in the amount of \$1,130,500 as follows:

REVENUES		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 250,500	\$ 178,500	\$ 429,000
414000	Federal Aid	\$1,540,000	\$ 952,000	\$ 2,492,000
445070	Prem on Obligation	\$ 30,638	\$ 0	\$ 30,638
475000	Gen Oblig Bond Proc	<u>\$ 198,562</u>	<u>\$ 0</u>	<u>\$ 198,562</u>
TOTAL REVENUES		<u>\$2,019,700</u>	<u>\$ 1,130,500</u>	<u>\$ 3,150,200</u>
APPROPRIATIONS				
Capital Projects	Capital Project Exp	\$2,019,700	\$ 1,130,500	\$ 3,150,200
TOTAL APPROPRIATIONS		<u>\$2,019,700</u>	<u>\$ 1,130,500</u>	<u>\$ 3,150,200</u>

; and be it further

RESOLVED, that the Current Budget, represented in the table above, reflects prior authorized budget adjustments with pending journal entries to illustrate actual budget revenue increases for the purposes of advancing this authorization; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,190,000 is hereby appropriated from B.14011 – 2014 Bridge Preservation Programs and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services amendment with CHA Consultants, and establish a construction contingency all in a total amount not to exceed \$1,190,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, Marchiselli and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,190,000, the County of Erie

shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.
(6-0)

3. COMM. 14E-12 (2016)

COUNTY EXECUTIVE

WHEREAS, the Bridge Painting and Repairs (4 bridges) PIN 5761.30, (the "Project") is eligible for funding under Title 23, U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds, 15% Marchiselli and a 5% local share and

WHEREAS, the County of Erie desires to advance the Construction phase of the Projects by making a commitment for the Federal and non-Federal share of the costs of the project; and

WHEREAS, in order to facilitate the Construction and Construction Inspection Phases for the Projects, it will be necessary for the County to execute an Agreement with New York State Department of Transportation in the total amount of \$1,670,000 of which \$83,500 is the required local share, for the construction and construction inspection phase of the Project; and

WHEREAS, the Department of Public Works would like to successfully implement the Project in a timely manner, it will be necessary for the County to execute the construction contract with the responsible low bidder, to enter an into a construction phase engineering services agreement with CHA Consultants, and to establish a construction contingency all in an amount not to exceed the maximum project allowance of \$1,670,000.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature hereby approves the above subject Project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of Federal and non-Federal shares of the cost of Construction and Construction Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that the Project Fund B.14011, 2014 Bridge Preservation Programs, fund center 123, fund 420, be adjusted for the actual anticipated Federal and NYS Marchiselli revenue in the amount of \$1,586,500 as follows:

REVENUE		CURRENT BUDGET	INCREASE/ DECREASE	REVISED BUDGET
Account	Description			
405160	NYS Marchiselli	\$ 0	\$ 250,500	\$ 250,500
414000	Federal Aid	\$ 204,000	\$ 1,336,000	\$ 1,540,000
445070	Prem on Obligation	\$ 30,638	\$ 0	\$ 30,638
475000	Gen Oblig Bond Proc	\$ 198,562	\$ 0	\$ 198,562
TOTAL		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>

APPROPRIATIONS

Capital Projects	Capital Project Exp	<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$2,019,700</u>
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TOTAL APPROPRIATIONS		<u>\$ 433,200</u>	<u>\$ 1,586,500</u>	<u>\$ 2,019,700</u>
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; and be it further

RESOLVED, that the Current Budget, represented in the table above, reflects prior authorized budget adjustments with pending journal entries to illustrate actual budget revenue increases for the purposes of advancing this authorization; and be it further

RESOLVED, that the estimated total sum of the construction and construction inspection Phase of the Project, \$1,670,000 is hereby appropriated from B.14011 - 2014 Bridge Preservation Programs and made available to cover the cost of participation in the Construction and Construction Inspection phase of the Project; and be it further

RESOLVED, the County Executive is hereby authorized to execute the construction contract with the responsible low bidder, enter an into a construction phase engineering services amendment with CHA Consultants, and establish a construction contingency in a total not to exceed \$1,670,000; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal, Marchiselli and non-Federal shares of the costs of the Project's construction and construction inspection phases exceeds the amount appropriated, \$1,670,000 the County of Erie shall convene its Legislature as soon as possible to appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie, with the New York State Department of Transportation in connection

with the advancement or approval of the Project and providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal aid and State aid eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that a certified copy of this resolution be filed with the New York State Commissioner of Transportation, by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, that the Clerk of the Legislature forward six (6) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, to be forwarded to the New York State Department of Transportation; and be it further

RESOLVED, that the Clerk of the Legislature forward one (1) certified copies of this Resolution to the Department of Public Works, Office of the Commissioner, and also one copy each to the Office of the County Executive, the Division of Budget and Management and the Office of the Comptroller.

(6-0)

4. COMM. 14E-13 (2016)
COUNTY EXECUTIVE

WHEREAS, the County of Erie had previously entered into a contract with the Erie County Soil and Water Conservation District who have the necessary expertise and personnel to perform the necessary inspections and evaluations as well as to carry out administrative responsibilities related to the delivery of various technical services including stream bank maintenance, bridge and culvert scour maintenance; and

WHEREAS, it has become necessary to implement the County-wide Stream Maintenance Program to continue to reduce erosion and localized flood-related risk to roads, bridges, culverts and rights-of-way by removing gravel bars and vegetative debris obstructing or diverting the natural flow of streams, repair bridge and culvert scour or prevention of same; and

WHEREAS, Article 5-G of the General Municipal Law authorizes municipalities and districts to contract to perform together that which each public entity is authorized to perform individually; and Article 5, Section 99-R of the same General Municipal Law authorizes Erie County and the District to contract by direct negotiations for services of government not regularly provided to the public as part of general government services; and

WHEREAS, the Legislative Body of Erie County and the Board of Directors of the Erie County Soil and Water Conservation District have previously authorized a municipal agreement on October 6, 2011, at Meeting Number 20, Communication Number 18E-30 for the purpose of performing a County-wide Stream Maintenance Program.

NOW, THEREFORE, BE IT

RESOLVED, that the Agreement between the County of Erie and the Erie County Soil and Water Conservation District be renewed in an amount of \$100,000.00 to be allocated from Business Area 123, Cost Center 1231010, Fund 210, General Ledger Account 516020 – Professional Services,

for technical services to reduce erosion, scour and localized flooding related risks to roads, bridges, culverts and rights-of-way at various locations; and be it further

RESOLVED, that three (3) certified copies of this resolution be sent to the Department of Public Works, Office of the Commissioner, and one copy each to the Office of the County Executive, the Division of Budget, Management and Finance, and the Office of the Comptroller.

(6-0)

5. COMM. 17E-11 (2016)
COUNTY EXECUTIVE

WHEREAS, the Lofts at University Heights Project consists of a 45-unit affordable housing development in the City of Buffalo at 91 Lisbon; and

WHEREAS, UH Lofts Housing Development Fund Corporation is developing eight (8) units of affordable housing for households below 50% of the area median income and 30 units of affordable housing for households below 60% of the area median income and seven (7) units of affordable housing for households with incomes up to 90% of the area median income; and

WHEREAS, the Erie County Legislature adopted a policy on Payment in Lieu of Taxes (PILOT) on December 16, 1999, and the PILOT is consistent with said policy; and

WHEREAS, in order to make the Project economically feasible for UH Lofts Housing Development Fund Corporation to operate the housing project it is necessary to obtain tax relief from the County of Erie and the City of Buffalo.

NOW, THEREFORE, BE IT

RESOLVED, that the County Executive is hereby authorized to execute a PILOT Agreement with UH Lofts Housing Development Fund Corporation, the City of Buffalo, and any other organizations necessary to conclude this PILOT Agreement; and be it further

RESOLVED, that said Agreement shall include an annual PILOT in the amount of taxes due as set forth on Schedule A attached hereto; and be it further

RESOLVED, that certified copies of this resolution shall be forwarded to the County Executive; the Director of the Division of Budget and Management; the Director of Real Property Tax Services; the Commissioner of the Department of Environment and Planning; the County Comptroller; and the County Attorney.

SCHEDULE A
The Lofts at University Heights Project PILOT

Year	Total	City	County
1	9,691.00	7,268.25	2,422.75
2	9,981.73	7,486.30	2,495.43
3	10,281.18	7,710.89	2,570.30
4	10,589.62	7,942.21	2,647.40

5	10,907.31	8,180.48	2,726.83
6	11,234.53	8,425.89	2,808.63
7	11,571.56	8,678.67	2,892.89
8	11,918.71	8,939.03	2,979.68
9	12,276.27	9,207.20	3,069.07
10	12,644.56	9,483.42	3,161.14
11	13,023.89	9,767.92	3,255.97
12	13,414.61	10,060.96	3,353.65
13	13,817.05	10,362.79	3,454.26
14	14,231.56	10,673.67	3,557.89
15	14,658.51	10,993.88	3,664.63

(6-0)

6. **COMM. 17E-12 (2016)**
COUNTY EXECUTIVE

WHEREAS, a Project for the Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection of the Town of Evans Multi-Use Pathway, Phase III in the Town of Evans, Erie County, PIN 575802 (the "Project") is eligible for funding under Title 23 U.S. Code, as amended, that calls for the apportionment of the costs of such program to be borne at the ratio of 80% Federal funds and 20% Non-Federal funds; and

WHEREAS, the County of Erie desires to advance the Project by making a commitment of 100% of the Non-Federal share of the costs of the Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, PIN 575802; and

WHEREAS, the total Right-of-Way Incidental, Right-of-Way Acquisition, Construction and Construction Supervision and Inspection Phases of the Project is \$2,440,000, and the County is required to provide the local share portion of the Project Phase in the amount of \$680,000.

NOW, THEREFORE BE IT

RESOLVED, the County Legislature of the County of Erie does hereby approve the Town of Evans Multi-Use Pathway, Phase III – Right-of-Way Incidentals, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases Phase project; and be it further

RESOLVED, that the County Legislature of the County of Erie hereby authorizes the County of Erie to pay in the first instance 100% of the Federal and Non-Federal shares of the cost of the Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project or portions thereof; and be it further

RESOLVED, that in the event the amount required to pay in the first instance 100% of the Federal and Non-Federal Shares of the cost of the project's Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection phases exceeds the amount appropriated above, the County of Erie shall convene its County Legislature as soon as possible to

appropriate said excess amount immediately upon the notification by the New York State Department of Transportation thereof; and be it further

RESOLVED, that the County Executive of the County of Erie be and is hereby authorized to execute all necessary Agreements, certifications or reimbursement requests for Federal Aid on behalf of the County of Erie with the New York State Department of Transportation in connection with the advancement or approval of the Project and with the New York State Department of Transportation providing for the administration of the Project and the Municipality's first instance funding of Project costs and permanent funding of the local share of Federal Aid the local share of Federal-Aid Eligible Project costs and all Project costs within appropriations therefore that are not so eligible; and be it further

RESOLVED, that the County Executive is authorized to appropriate and make available \$680,000 to cover the local share cost of participation in the Right-of-Way Incidental, Right-of-Way Acquisition, Construction, and Construction Supervision and Inspection Phases of the Project, with said funds be allocated from funding approved in the 2016 Capital Budget and the 2016 Consolidated Bond Resolution as found in SAP projects A.16019 and A.16018; and be it further

RESOLVED, that authorization is hereby provided to accept funding in A.16018 in an amount not to exceed \$1,760,000 from New York State; and be it further

RESOLVED, that a certified copy of this Resolution be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the project; and be it further

RESOLVED, that certified copies of this resolution be sent to the County Executive's Office; the Comptroller's Office; the Director of the Division of Budget and Management; the County Attorney; the Commissioner of the Department of Environment and Planning, Rath Building, 10th Floor; and be filed with the New York State Commissioner of Transportation by attaching it to any necessary Agreement in connection with the Project; and be it further

RESOLVED, this Resolution shall take effect immediately.
(6-0)

EDWARD A. RATH, III
CHAIR

Item 31 – MR. RATH presented the following report and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 228

September 15, 2016	PUBLIC SAFETY COMMITTEE REPORT NO. 12
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ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed:

a. COMM. 8M-9 (2016)
VERIZON COMMUNICATIONS: "Follow-Up Information Regarding E-911 Outage"
(5-0)

2. COMM. 17E-26 (2016)
COUNTY EXECUTIVE

WHEREAS, the New York Governor's Traffic Safety Committee has awarded Erie County a grant in the amount of \$17,850; and

WHEREAS, the grant will be used to fund a part-time traffic safety instructor to present safe driving information and purchase materials for Traffic Safety Awareness Events; and

WHEREAS, all expenses under the Traffic Safety Program are 100% reimbursable by New York State with no local matching dollars required; and

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby authorize the County Executive to enter into contract with the New York Governor's Traffic Safety Committee to receive \$17,850 in grant funding for the STOP-DWI/Traffic Safety Department; and be it further

RESOLVED, that authorization is hereby provided to the Division of Budget and Management to establish funding in grant fund 281, fund center 1650060 as follows:

Central Police Services
STOP-DWI/Traffic Safety Program
Grant 165TEENDRIVER1617
October 1, 2016-September 30, 2017

REVENUE	Budget
414000 Federal Aid	<u>\$17,850</u>
TOTAL REVENUE	\$17,850
APPROPRIATIONS	Budget
500010 Part Time Wages	\$13,711
502000 Fringe Benefits	\$1,399
561420 Office, Furn & Fixt	\$515
510000 Local Mileage Reimb	\$825
530000 Other Expenses	\$600
980000 ID DISS Services	<u>\$800</u>
TOTAL APPROPRIATIONS	\$17,850

and be it further

RESOLVED, that certified copies of this resolution be forwarded to the County Executive's Office, the Office of the Comptroller, the Division of Budget & Management, and the STOP-SWI Office.

(5-0)

3. COMM. 17E-27 (2016)
SHERIFF

WHEREAS, the Erie County Sheriff's Office firing and training range has gone through extensive improvements and restoration over the past year; and

WHEREAS, the Federal Bureau of Investigation has provided much of the funding to transform the firing and training range into one of the Northeast's premier training sites for weapons and special tactics training; and

WHEREAS, Erie County Sheriff Timothy B. Howard believes this facility has become a regional asset and should be offered to local, state, federal law enforcement agencies as a training facility to develop and maintain its high level of law enforcement skills; and

WHEREAS, the MOU details the financial and supervisory responsibilities, duties, and safety requirements of the guest law enforcement agency and the Erie County Sheriff's Office; and

WHEREAS, the MOU releases the County of Erie from any liability for injuries to guest agency personnel occurring on county property to the extent of the law; and

WHEREAS, the MUO also stipulates that any guest agency entering into the MOU for use of the facility also agrees that any time the guest agency is in need of mutual aid to assist said agency with a tactical operation within the geographical jurisdiction of Erie County, the agency's first call for mutual aid will be to the Erie County Sheriff's Office; and

WHEREAS, because this facility is a regional asset, there is no method or plan to collect funds from guest agencies for use of the facility, however, should a need arise in the future in order to maintain the facility, parties will agree to pay any fees prior to the scheduled training session.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office is authorized to enter into an memorandum of understanding with any and all interested law enforcement agencies seeking to utilize the Erie County Sheriff's Office firing and training facility; and be it further

RESOLVED, that the Erie County Sheriff's Office shall enter into a separate MUO for each guest agency and forward copies of the signed MOU to the County Executive, the County Attorney, and the Erie County Comptroller; and be it further

RESOLVED, that certified copies be forwarded to the Erie County Executive, the Erie County Comptroller, the County Attorney, and the Erie County Sheriff's Office for implementation.
(5-0)

4. COMM. 17E-28 (2016)
SHERIFF

WHEREAS, the Erie County Sheriff's Office Bomb Squad has achieved the highest ranking designation by the Federal Bureau of Investigation and has proven to be a regional asset for other law enforcement agencies and several municipalities; and

WHEREAS, with the growing threat of improvised explosive use at various venues, the ECSO Bomb Squad routinely trains with non-governmental organizations to maintain its FBI status; and

WHEREAS, the funds used for this training originate from a U.S. Department of Homeland Security grant which this Honorable Body accepted by passing COMM. 24E-13 (2015); and

WHEREAS, Tactical Electronics is a recognized leader in training bomb squads the latest techniques to render safe improvised explosive devices.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with Tactical Electronics for IED alarm defeat training for an amount not to exceed \$39,974.26 and utilized accepted FY 2015 U.S. Department of Homeland Security grant funding; and be it further

RESOLVED, that all payments will be paid from budget account #510200- Training & Education; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.

(5-0)

5. COMM. 17E-29 (2016)
SHERIFF

WHEREAS, the Erie County Sheriff's Office SWAT Team is a high trained tactical group and has, through extensive training, integrated the Bomb Squad into the tactical response unit; and

WHEREAS, in an effort to maintain the units status as highly trained and effective tactical response unit the specialized training offered by the Yarborough Group will allow the ECSO SWAT Team to be trained and prepared for multiple scenarios; and

WHEREAS, the funds used for this training originate from a U.S. Department of Homeland Security grant which this Honorable Body accepted by passing COMM. 24E-13 (2015); and

WHEREAS, the Yarborough Group is a recognized and approved vendor by the NYSDCJS and is the only provider of the specific training.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with the Yarborough Group for specialized SWAT Team tactics for an amount not to exceed \$10,000.00 and utilized accepted FY 2015 U.S. Department of Homeland Security grant funding; and be it further

RESOLVED, that all payments will be paid from budget account #510200- Training & Education; and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.
(5-0)

EDWARD A. RATH, III
CHAIR

LEGISLATOR RESOLUTIONS

Item 32 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 229

RE: Review of Use of Outside Counsel by
the Erie County Attorney
(INTRO. 18-1)

A RESOLUTION TO BE SUBMITTED
BY LEGISLATORS LORIGO & MILLS

WHEREAS, at the beginning of County Executive Poloncarz's first term in office, he passed Executive Order #005 to address the use of outside counsel by the County Attorney; and

WHEREAS, the Executive Order indicated that the County Attorney's office may be over-reliant on expensive outside counsel, which increases costs to the county for the handling of routine county legal issues; and

WHEREAS, the Executive Order requested that a study be conducted to determine whether the heightened costs in the County Attorney's office were in fact due to the extensive use of outside counsel and what could be done to correct this spending by the County Attorney; and

WHEREAS, the County Attorney's office recently engaged outside counsel for review of various issues relating to recommendations made by the Charter Revision Commission; and

WHEREAS, this was arguably a waste of taxpayer dollars, the County Attorney's office should not be hiring outside counsel for simple questions regarding the legality of charter amendments, there is no requirement to hire outside counsel for every legal question; and

WHEREAS, this honorable body seeks to determine if the County Attorney's office is utilizing its resources as efficiently as possible and whether there has been any improvement in its approach to protecting the county from liability.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body hereby requests the initial report, which was submitted to the County Executive's office in 2012 by the County Attorney's office, be submitted to the Legislature for review at the first session in October 2016; and, be it further

RESOLVED, it is hereby ordered that the County Attorney conduct a new study to be submitted to the County Legislature reviewing the time period that begins from the end of the previous report in 2012 to include the most recent information available. The report shall at least include all data presented in the 2012 report to the County Executive pursuant to Executive Order #005. This shall include, but not be limited to, the following:

- a. A complete list of any outside counsel that was retained since the drafting of the report created pursuant to Executive Order #005;
- b. A detailed description of all cases handled by outside counsel, including whether such representation potentially involves litigation;
- c. If litigation is involved, who commenced the action, the identity of the defendant and what relief is being sought, include the outcome of any resolved matters;
- d. If the County of Erie is not the defendant, but an individual associated with the county is the defendant, determine if the provisions of the Public Officers law that authorizes or requires defense and indemnity for governmental employees have been complied with;
- e. A determination if an RFP was used for the procurement as required by law;
- f. A description of the original estimate of the cost for the representation and a statement of all expenses and costs that have been incurred and are expected to be incurred for each;
- g. A determination of the status of all open representations including the amount sought from the county, or sought by the county, and the best available schedule for their completion;
- h. A determination of the level of risk and the best estimate for the likely outcome of each representation;
- i. A recommendation if there should be any changes in current representations;
- j. A recommendation of the best way that the county should proceed in the future; and
- k. A list of all recommendations made pursuant to Executive Order #005; include whether the recommendations have been enacted, if the recommendations have been enacted a summative evaluation of the enacted policies should be included, and if they have not been enacted include an explanation for why they were not enacted; and, be it further

RESOLVED, that the County Attorney will be responsible for indicating if any portion of the report must be exempt from public disclosure due to the sensitive nature of on-going litigation. Should certain information not be disclosed, the County Attorney shall prudently prepare the report

so that it can be made public; the protected material shall be kept confidential but may be presented at an Executive Session to the Legislature; and, be it further

RESOLVED, that the County Attorney shall submit the new report required by this Resolution by November 17, 2016; and, be it further

RESOLVED, that certified copies of this resolution be sent to County Executive Mark Poloncarz's office, the County Attorney's Office, and any party deemed necessary and proper.

Item 33 – CHAIR MILLS directed that the following item be referred to the COMMUNITY ENRICHMENT COMMITTEE.

GRANTED.

INTRO. 18-2 from LEGISLATOR MILLER-WILLIAMS. Dialogue Concerning ECC's Relationship with Middle Early College High School.

Item 34 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. MILLER-WILLIAMS seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 230

RE: Support to Establish a Veterans Reduced Fare Program with NFTA-Metro (INTRO. 18-3)

**A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MILLER-WILLIAMS**

WHEREAS, Erie County is home to more than 60,000 Veterans that have made an enormous contribution to our nation; and

WHEREAS, a Veteran's willingness to serve has safeguarded the freedoms we hold dear and ensured that our nation remains as a beacon of hope and liberty to people around the world; and

WHEREAS, many Veterans have re-located to Erie County to access the services offered through the Veterans Administration; and

WHEREAS, many Veterans in Erie County rely on public transportation, currently there is no program that offers the opportunity for them to access a reduced fare card through the Niagara Frontier Transportation Authority Metro (NFTA-Metro) Program; and

WHEREAS, Veterans in Erie County have been honored and supported through programs such as "Thank a Vet", an overwhelming number of veterans have yet to participate and the NFTA-Metro is not currently enrolled as a participating business; and

WHEREAS, Veterans across Western New York utilize the NFTA-Metro as part of their daily commute, extending the reduced fare program to Veterans will benefit thousands of our local heroes, encourage usage and show appreciation for the service they have given to our nation.

NOW, BE IT THEREFORE,

RESOLVED, that the Erie County Legislature requests that the Niagara Frontier Transportation Authority Metro Program establish a Veterans Reduced Fare Program that allows Veterans to show their Veterans ID Card and be eligible for a reduced fare; and be it further

RESOLVED, that certified copies of this resolution be sent to the Niagara Frontier Transportation Authority Board of Commissioners; Honorable members of the WNY Delegation to the New York State Legislature; Honorable Mark C. Poloncarz, Erie County Executive; and any other party deemed necessary and proper.

COMMUNICATIONS DISCHARGED FROM COMMITTEE

Item 35 – MR. LORIGO moved to discharge the FINANCE & MANAGEMENT COMMITTEE of further consideration of COMM. 17E-30. MR. RATH seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 231

RE: 2016 Revenue Anticipation Note
Resolution
(COMM. 17E-30, 2016)

RESOLUTION DELEGATING TO THE COUNTY COMPTROLLER THE POWERS TO AUTHORIZE THE ISSUANCE OF \$90,000,000 REVENUE ANTICIPATION NOTES OF THE COUNTY OF ERIE, NEW YORK, OR SO MUCH THEREOF AS MAY BE NECESSARY, IN ANTICIPATION OF THE RECEIPT OF CERTAIN REVENUES FOR THE FISCAL YEAR ENDING DECEMBER 31, 2016, AND TO PRESCRIBE THE TERMS, FORM AND CONTENTS, AND PROVIDE FOR THE SALE AND CREDIT ENHANCEMENT OF SUCH NOTES.

RESOLVED BY THE LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called "Law"), the power to authorize the issuance of Revenue Anticipation Notes (herein called "Notes") of the County of Erie, in the State of New York (the "County" and "State", respectively), in the aggregate principal amount of not to exceed \$90,000,000, and any notes in renewal thereof, is hereby delegated to the County Comptroller, as chief fiscal officer of the County.

Section 2. The Notes shall be issued in anticipation of the collection or receipt of revenues due to the County in the 2016 fiscal year from (i) State Social Services aid, (ii) Social Services aid from the United States government, and (iii) the collection or receipt of revenues due and payable to the County in the 2016 fiscal year from sales and compensating use taxes; and the proceeds of such

Notes shall be used only for the purposes of paying the current expenses of the County for said fiscal year payable from the revenues in anticipation of which they are issued.

Section 3. The Notes shall contain the recital of validity prescribed by Section 52.00 of the Law and shall be general obligations of the County, and the faith and credit of the County shall be pledged to the punctual payment of the principal of and interest on the Notes and, unless the Notes are otherwise paid or payment provided for, an amount sufficient for such payment shall be inserted in the budget of the County and a tax sufficient to provide for the payment thereof shall be levied and collected.

Section 4. Subject to the provisions of this resolution and the Law, and pursuant to Sections 50.00, 56.00, 60.00, and 168.00 of the Law, inclusive, the powers to prescribe the terms, form and contents, and all other powers or duties pertaining or incidental to the sale and issuance of the Notes authorized pursuant hereto, or any renewals thereof, including the power to determine the respective amounts of Notes to be issued in anticipation of said respective revenues specified in Section 2 hereof, and the power to enter into agreements for credit enhancement for the Notes, are hereby delegated to the Comptroller, as chief fiscal officer of the County.

Section 5. This resolution shall take effect immediately.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CHAIR MILLS directed that a roll call vote be taken.

AYES: MR. BURKE, MS. GRANT, MR. LOUGHRAN, MS. MILLER-WILLIAMS, MR. SAVAGE, MS. DIXON, MR. HARDWICK, MR. LORIGO, CHAIR MILLS, MR. MORTON and MR. RATH. NOES: None. (AYES: 11; NOES: 0)

CARRIED UNANIMOUSLY.

SUSPENSION OF THE RULES

Item 36 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 18-4 from LEGISLATORS MILLS, LORIGO, RATH, HARDWICK, DIXON & MORTON. Re: Appointment to the EC Citizens' Budget Review Commission

RESOLUTION NO. 232

A RESOLUTION TO BE SUBMITTED BY LEGISLATORS
MILLS, LORIGO, RATH, HARDWICK, DIXON & MORTON

WHEREAS, the Erie County Legislature unanimously approved, and the County Executive signed, a local law introduction reinstating a Citizens' Budget Review Commission for the County; and

WHEREAS, the Commission shall assist and advise the Legislature in the oversight of the County's budget, and to monitor County finances, ensure the long-term fiscal stability of Erie County, prevent the concealment of County deficits, and to help provide the Legislature with enough time and information to respond to budgetary problems, according to their Charter mandate; and

WHEREAS, according to the provisions of Local Law No. 2 of 2012, specifically Section 2618 (c) [Membership; Terms; Vacancies], specific categories of appointments shall be made on an annual basis, of members of the Commission; and

WHEREAS, following a general media outreach to solicit interest among Erie County residents to serve on this important policy panel, letters of interest were received for all membership categories.

NOW, THEREFORE, BE IT

RESOLVED, that pursuant to Local Law No. 2 of 2012, the following individual is hereby appointed by this Honorable Body to serve as member of the Erie County Citizens' Budget Review Commission, for a term that will expire on December 31, 2016:

Appointee:

E. Peter Forrestel
16 Stoneridge Lane
Akron, NY 14001

Membership Category:

Banking/Finance Experience

RESOLVED, that this Legislature declares that each Mr. Forrestel possesses strong personal and professional credentials for adding greatly to the Commission's important work; further ensuring fiscal stability of County government, adding additional checks and balances to the oversight of County finances, and increased budget monitoring and reporting; and be it further

RESOLVED, that certified copies of this resolution be conveyed to the County Executive, Erie County Fiscal Stability Authority, Comptroller, County Attorney, Budget Director, the Erie County Citizens' Budget Review Commission appointees at the addresses listed above, and all other parties deemed necessary and proper.

MR. LORIGO moved to approve the item. MR. RATH seconded.

CARRIED UNANIMOUSLY.

Item 37 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

INTRO. 18-5 from LEGISLATOR MORTON. Re: Support for the Town of Cheektowaga's NYSDOT Traffic Light Request

RESOLUTION NO. 233

A RESOLUTION TO BE SUBMITTED
BY LEGISLATOR MORTON

WHEREAS, the Erie County Legislature fully supports all local municipalities and encourages economic development across the county; and

WHEREAS, this honorable body recognizes the need to swiftly take special action to maintain public safety as development progresses; and

WHEREAS, the New York State Department of Transportation (NYSDOT) is currently reviewing safety concerns related to development in the Town of Cheektowaga by the Bella Vista Development Group near the intersection of Transit Rd and Pfohl Rd; and

WHEREAS, both the Town of Cheektowaga and the development group agree that a traffic light is necessary at the intersection of Transit Rd and Pfohl Rd for both the protection of the public and the economic success of the businesses in that area.

NOW, THEREFORE, BE IT

RESOLVED, that this honorable body goes on record supporting our local municipalities, public safety, and economic development across our county; and, be it further

RESOLVED, that this body requests that NYSDOT expedite their review of the traffic situation at Transit Rd and Pfohl Rd so that the proposed development can commence and improvements in Cheektowaga's economy and safety can take effect; and, be it further

RESOLVED, that certified copies of this resolution are forwarded to NYSDOT's Region 5 office, Governor Andrew M. Cuomo, the Cheektowaga Chamber of Commerce, the Buffalo Niagara Partnership, the Cheektowaga Town Board, and any other party deemed necessary and proper.

MR. LORIGO moved to approve the item. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

Item 38 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-21 from the COUNTY EXECUTIVE. Re: ECC Exterior Restoration - 2016 City Campus Old Post Office Masonry Repairs

Received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 39 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-22 from the COUNTY EXECUTIVE. Re: Tonawanda Rails to Trails - NYSDOT Supplemental Agreement No. 3

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

Item 40 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-23 from the COUNTY EXECUTIVE. Re: Department of Senior Services - MIPPA/ADRC 2016-2017 Pride Center Contract

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

Item 41 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18E-24 from the COUNTY EXECUTIVE. Re: EC Sewer District No. 5 - Engineer Term Contract Agreement - Wendel Work Order W-5

Received and filed.

Item 42 – MR. LORIGO moved for a Suspension of the Rules to include an item not on the agenda.

GRANTED.

COMM. 18M-9 from the COUNCILMAN, TOWN OF CONCORD. Re: Petition Regarding Road Conditions of Sprinville-Boston Rd, Town of Concord

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

COMMUNICATIONS FROM ELECTED OFFICIALS

FROM THE SHERIFF

Item 43 – MR. LORIGO presented the following resolution and moved for immediate consideration and approval. MS. DIXON seconded.

CARRIED UNANIMOUSLY.

RESOLUTION NO. 234

RE: Authorization to Enter into an
Agreement with the US Department of
Justice for 2016-2018 Human
Trafficking Grant
(COMM. 18E-1)

WHEREAS, the United States Department of Justice has awarded \$500,000 to the Erie County Sheriff's Office to combat human trafficking; and

WHEREAS, the Human Trafficking grant's term is October 1, 2016 through September 30, 2018; and

WHEREAS, this grant is to be used to combat human trafficking activities in the Western New York region; and

WHEREAS, grant funds will be used to pay for, in part or in its entirety, or reimburse participating municipalities and law enforcement agencies for personnel, fringe benefits, training, travel, supplies, awareness campaign materials, and consultants for the Western New York Human Trafficking Task Force; and

WHEREAS, the grant designates the Erie County Sheriff's Office as the lead law enforcement agency and administrator of the grant for law enforcement investigation training, travel expenses, consultant fees, and other expenses related to the operation of the Western New York Human Trafficking Task Force; and

WHEREAS, the terms of the grant stipulate that Erie County will enter into an agreement with an evaluation outcome consultant who will assist victims of human trafficking for the length not to exceed the term of the grant and will pay for travel and victim sessions; and

WHEREAS; the grant does name Diane R. Bessel as the grant's Evaluation Outcome consultant; and

WHEREAS, funds within the grant are designated for proactive police investigation hotel room expenses for two (2) rooms per operation within the Western New York Human Trafficking Task Force's jurisdiction and at a rate not to exceed \$224.00 per operation; and

WHEREAS, the grant further stipulates that the County of Erie is to reimburse participating non-county, municipal employees and law enforcement agencies that are part of the WNY Human Trafficking Task Force for mandatory training and travel expenses incurred by designated task force members.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Sheriff's Office and the County Executive are hereby authorized to enter into an agreement with United States Department of Justice and accept the terms and the funding within the 2016-2018 Human Trafficking grant; and be it further

RESOLVED, the County of Erie and the Erie County Sheriff's Office are hereby authorized to enter into an agreement with Diane R. Bessel, so stipulated in the grant agreement, for a term no longer than the length of the 2016-2018 Human Trafficking grant for evaluation outcome services, supplies, and travel for an amount not to exceed \$10,000.00; and be it further

RESOLVED, that the County of Erie and the Erie County Sheriff's Office are hereby authorized to pay vendors vetted and selected by the U.S. Department of Justice for Survivor Consultant Evaluators for an amount not to exceed \$3,300.00 for the term of the grant; and be it further

RESOLVED, that the County of Erie and the Erie County Sheriff's Office are hereby authorized to pay for or reimburse task force members or participating agencies for the use of two (2) hotel/motel rooms at a one (1) day rate not to exceed \$224.00 per operation and the aggregate total not to exceed \$8,064.00 for the term of the grant; and be it further

RESOLVED, that the County of Erie and the Erie County Sheriff's Office are here by authorized to reimburse participating non-county, law enforcement or municipality employees or the employing organizations for training and travel expenses mandated and presented by representatives of the United States Department of Justice not to exceed \$6,654.00, and be it further

RESOLVED, the Erie County Comptroller's Office is hereby authorized to release the designated funds and make payments as necessary; and be it further

RESOLVED, that the Clerk of the Legislature send certified copies to the Division of Budget and Management, the County Executive, the Erie County Comptroller, the County Attorney's Office, and the Chief of Administration of the Sheriff Office for implementation.

FROM THE COUNTY EXECUTIVE

Item 44 – (COMM. 18E-2) EC Sewer District No. 3 - Engineer Term Contract Agreement - AECOM - Work Order URS-7

Item 45 – (COMM. 18E-3) EC Sewer District No. 4 - Increase & Improvement of Facilities - EC Sewer Agency Report

Item 46 – (COMM. 18E-4) EC Sewer District No. 6 - Increase & Improvement of Facilities - EC Sewer Agency Report

The above three items were received and filed.

FROM LEGISLATOR LOUGHRAN

Item 47 – (COMM. 18E-5) Letter to County Executive Regarding LL Intro. 12-2 (2016)

Received and filed.

FROM THE COUNTY EXECUTIVE

Item 48 – (COMM. 18E-6) Appointments to the Buffalo & Erie County Public Library Board of Directors

Item 49 – (COMM. 18E-7) ECC-Erie County Joint Strategic Planning Committee

The above two items were received and referred to the COMMUNITY ENRICHMENT COMMITTEE.

Item 50 – (COMM. 18E-8) EC Sewer District No. 3 - Utility Work Agreement - Town of Holland

Item 51 – (COMM. 18E-9) EC Sewer District No. 4 - Increase & Improvement of Facilities

Item 52 – (COMM. 18E-10) EC Sewer District No. 6 - Increase & Improvement of Facilities

Item 53 – (COMM. 18E-11) EC Sewer District Nos. 1, 2, 3, 4 & 5 - Sewer District Extensions - Current Out of District Customers

The above four items were received and referred to the ENERGY & ENVIRONMENT COMMITTEE.

FROM LEGISLATOR RATH

Item 54 – (COMM. 18E-12) Letter to County Executive Regarding Goodrich Road and PAVE NY Funds

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 55 – (COMM. 18E-13) BENLIC Preemptive Bid Powers and Subsequent Repayment Agreement with Erie County

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE DISTRICT ATTORNEY

Item 56 – (COMM. 18E-14) Asset Forfeiture Appropriations

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COMPTROLLER

Item 57 – (COMM. 18E-15) Letter to Chair Mills Regarding Executive Order #15 Supporting County Employees in Military Reserves

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM LEGISLATORS MILLS, LORIGO, LOUGHRAN, DIXON, HARDWICK,
MORTON, RATH, BURKE, GRANT, MILLER-WILLIAMS & SAVAGE

Item 58 – (COMM. 18E-16) Letter to John R. Oishei Foundation Regarding Conditional Release Program Funding

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 59 – (COMM. 18E-17) Department of Health Division of the Medical Examiner - Authorization to Contract with LabLynx Inc - Case Management Software

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

Item 60 – (COMM. 18E-18) Department of Social Services - Acceptance of TANF Domestic Violence Funds and Adjustment to Non-Residential Domestic Violence Contracts

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM LEGISLATOR DIXON

Item 61 – (COMM. 18E-19) Letter to Medicaid Inspector General Regarding Follow-Up Information Requested at Committee Meeting

Received and referred to the HEALTH & HUMAN SERVICES COMMITTEE.

FROM THE COUNTY EXECUTIVE

Item 62 – (COMM. 18E-20) Department of Emergency Services - Commodity Flow Study - UB Research Foundation Contract

Received and referred to the PUBLIC SAFETY COMMITTEE.

COMMUNICATIONS FROM THE DEPARTMENTS

FROM THE COUNTY ATTORNEY

Item 63 – (COMM. 18D-1) Notice of Public Hearing Regarding LL Intro. 11-1 (2016)

Received and filed.

FROM THE DEPARTMENT OF PUBLIC WORKS

Item 64 – (COMM. 18D-2) 2016 Highway Project Status Report

Received and referred to the ECONOMIC DEVELOPMENT COMMITTEE.

FROM THE DEPARTMENT OF BUDGET & MANAGEMENT

Item 65 – (COMM. 18D-3) Budget Monitoring Report for Period Ending July 2016

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

FROM THE COUNTY ATTORNEY

Item 66 – (COMM. 18D-4) Transmittal of New Claims Against Erie County

Received and referred to the GOVERNMENT AFFAIRS COMMITTEE.

COMMUNICATIONS FROM THE PEOPLE AND OTHER AGENCIES

FROM THE NYS DEPARTMENT OF AGRICULTURE AND MARKETS

Item 67 – (COMM. 18M-1) EC Agricultural District Nos. 2, 4, 8 & 9 Recertification

Received and filed.

FROM THE BUFFALO & EC PUBLIC LIBRARY

Item 68 – (COMM. 18M-2) Sept. 15, 2016 Board of Trustees Agenda

Received and filed.

FROM THE EC BAR ASSOCIATION

Item 69 – (COMM. 18M-3) Assigned Counsel Program - Financial Reports, Attorneys on Panel, Board of Directors Meeting Minutes, Quarterly Report for 2nd Quarter 2016

Received and filed.

FROM THE NFTA

Item 70 – (COMM. 18M-4) July 28, 2016 Board Minutes

Received and filed.

FROM THE BUFFALO & EC NAVAL & MILITARY PARK

Item 71 – (COMM. 18M-5) Board of Directors Meeting Minutes

Received and filed.

FROM THE DEPARTMENT OF ASSESSMENT AND TAXATION, CITY OF BUFFALO

Item 72 – (COMM. 18M-6) Transit Mall Special Charge Roll

Received and filed.

FROM THE BOARD OF HEALTH

Item 73 – (COMM. 18M-7) Apr. 19, 2016 Board Minutes

Received and filed.

FROM SUSAN LOOBY

Item 74 – (COMM. 18M-8) Letter Regarding Buffalo Urban League

Received and referred to the FINANCE & MANAGEMENT COMMITTEE.

ANNOUNCEMENTS

Item 75 – CHAIR MILLS announced the committee schedule for September 29, 2016 has been distributed.

Item 76 – CHAIR MILLS announced the next regularly scheduled legislative session is October 6, 2016.

Item 77 – LEGISLATOR MILLER-WILLIAMS announced Buffalo State College student Haley Glasgow is an intern in the first district legislative office.

MEMORIAL RESOLUTIONS

Item 78 – Legislator Burke requested that when the Legislature adjourns, it do so in memory of Patricia A. Kearns.

Item 79 – Legislator Dixon requested that when the Legislature adjourns, it do so in memory of Lisa A. Donohoe Dee, Stewart M. Levy, Robert Miller, James Thomas Pierce Sr, Aileen M. Townsell, and William Neil “Whipper” Watson.

Item 80 – Legislator Grant requested that when the Legislature adjourns, it do so in memory of Paula Grayson.

Item 81 – Legislator Hardwick requested that when the Legislature adjourns, it do so in memory of Carol J. Hill.

Item 82 – Legislator Loughran requested that when the Legislature adjourns, it do so in memory of Richard L. Dunn.

Item 83 – Legislator Rath requested that when the Legislature adjourns, it do so in memory of John H. Carver, Kevin R. Darrington, David W. Fish, Brother Jude T. Holzfoerster, and Jenny-Rebecca “Becky” Welte.

Item 83 – Legislator Savage requested that when the Legislature adjourns, it do so in memory of Gary L. Evans, Constance S. Walsh, and Mary “Mollie” Verdi.

ADJOURNMENT

Item 84 - At this time, there being no further business to transact, CHAIR MILLS announced that the Chair would entertain a Motion to Adjourn.

MR. LORIGO moved that the Legislature adjourn until Thursday, October 6, 2016 at 2:00 p.m. Eastern Standard Time. MR. RATH seconded.

CARRIED UNANIMOUSLY.

CHAIR MILLS declared the Legislature adjourned until Thursday, October 6, 2016 at 2:00 p.m. Eastern Standard Time.

KAREN M. McCARTHY
CLERK OF THE LEGISLATURE